IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.18 OF 1997

Shri Narain T. Kanal. ..Applicant.

V/s.

Smt.Rajeshwari D. Bhatia & ors. ..Respondents.

Mr.V.T.Lulia for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 17, 2006.

P.C. :

1. Heard counsel for the applicant. None appears for the respondent No.1, 2,3, 4, 6, 7, 8(a) to (c) though served. Respondent No.5 as per office remark refused to accept notice. This will have to be treated as good service.

2. As all the respondents are served, however, no reply has been filed opposing this application; coupled with the fact that the two suits pending between the same parties pertain to same subject matters. Even though the suit filed by the applicant being S.C.Suit No.6178 of 1977 is in earlier point of time, the same will have to be heard alongwith the suit filed subsequently by the respondent No.4 being Suit No.2011 of 1992 presently pending on the

original side of this court.

3. Accordingly, petition succeeds in terms of prayer clause (a) in the interest of justice.

4. Application disposed of in the above terms.